

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

JEFFREY PESARIK  
Plaintiff,

v.

MARGARET BENDER,  
Defendant.

§  
§  
§  
§  
§  
§

MAR 09 2009

DAVID J. MALAND, CLERK

BY

CASE NO. 08-cv-300

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

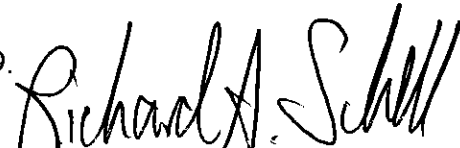
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636. On February 2, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion for Default (Dkt 21) be denied, Defendant's Motion to Vacate Default and for Dismissal of Complaint (Dkt 17) be granted, the Clerk's Default be vacated, and this case be dismissed for lack of personal jurisdiction.

The court, having made a *de novo* review of the objections raised by Plaintiff, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

It is, therefore, **ORDERED** that Plaintiff's Motion for Default (Dkt 21) is **DENIED**, Defendant's Motion to Vacate Default and for Dismissal of Complaint (Dkt 17) is **GRANTED**, the Clerk's Default is **VACATED**, and this case is dismissed for lack of personal jurisdiction.

**IT IS SO ORDERED.**

SIGNED this 6<sup>th</sup> day of March, 2009.

  
\_\_\_\_\_  
RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE